

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 4 DC
05 MAY 17 PM 4:15
ROBERT R. DI TROLO
CLERK OF US DIST CT
W.D. OF TN-JACKSON

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 1-04-1327-T/AN

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.45 ACRE OF LAND, MORE OR
LESS, IN HARDIN COUNTY, TENNESSEE

WAYNE PLUNKETT
LEON EASLEY
HARDIN COUNTY BANK OF
SAVANNAH, TENNESSEE
EDDIE K. WHITLOW, trustee
Defendants

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are
established as the final dates for:

INITIAL DISCLOSURES (RULE 26(A)(1)): June 10, 2005

JOINING PARTIES:

for Plaintiff: July 27, 2005
for Defendants: August 26, 2005

AMENDING PLEADINGS:

for Plaintiff: July 27, 2005
for Defendants: August 26, 2005

COMPLETING ALL DISCOVERY: January 20, 2006

- (a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** November 30, 2005
- (b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**
 - (i) Plaintiff's Experts: December 27, 2005
 - (ii) Defendants' Experts: November 27, 2005
 - (iii) Supplementation under Rule 26(e): January 10, 2006
- (c) **DEPOSITIONS OF EXPERTS:** January 20, 2006

FILING DISPOSITIVE MOTIONS: January 26, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: March 24, 2006
- (b) for Defendants: March 10, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 days and is **SET** for **NON-JURY TRIAL** ON April 26, 2006, at **9:30 A.M.** A joint pretrial order is due on April 17, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Gordon Majors, the President of defendant Hardin County Bank of Savannah Tennessee ("the Bank") has informed the other parties that defendant Eddie K. Whitlow, mortgage trustee, is deceased without replacement, that the Bank declines to participate in proceedings to determine just compensation and that it shall not advance a claim to the distribution of proceeds from this action, or participate in any proceeding involving such distribution of proceeds.

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allows 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

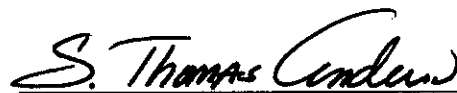
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: May 17, 2005

Tendered:

Philip J. Pfeifer by Kate E. Rhodes Kate E. Rhodes
w/permission

Philip J. Pfeifer
Office of the General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-7876
Facsimile 865-632-6718

Attorney for Plaintiff

003735273

Bradford D. Box
Kate E. Rhodes
Rainey, Kizer, Reviere & Bell, PLC
P.O. Box 1147
Jackson, Tennessee 38302-1147
Telephone 731-423-2414
Facsimile 731-426-8156

Attorney for Defendants
Wayne Plunkett and Leon Easley

CERTIFICATE OF SERVICE

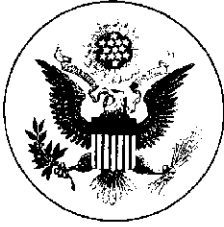
I certify that the foregoing proposed order was served on Defendant Hardin County

Bank of Savannah, Tennessee, on May 13, 2005, by mailing a copy thereof to:

Hardin County Bank of Savannah, Tennessee
Attn: Gordon Majors, President
110 Tennessee Street
Savannah, Tennessee 38372

A handwritten signature in black ink, reading "Kate E. Proder", written over a horizontal line.

Attorney for Defendants
Wayne Plunkett and Leon Easley



Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 1:04-CV-01327 was distributed by fax, mail, or direct printing on May 18, 2005 to the parties listed.

Bradford D. Box
RAINEY KIZER REVIERE & BELL
209 E. Main Street
Jackson, TN 38302--114

Edwin W. Small
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Philip J Pfeifer
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Honorable James Todd
US DISTRICT COURT